



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ENERGY CONVERSION DEVICES, INC.
2956 WATERVIEW DRIVE
ROCHESTER HILLS, MI 48309

COPY MAILED
SEP 12 2006
OFFICE OF PETITIONS

In re Application of Ovshinsky	:	
Application No. 10/657,285	:	Decision on Petition
Filing Date: September 8, 2003	:	
Attorney Docket No. OCC-6	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 2, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

A final Office action was mailed August 1, 2005.

A reply and request for a three-month extension of time were filed January 31, 2006.

An Advisory action was mailed February 27, 2006. The Advisory action states the January 31, 2006 reply raises "new issues that would require further consideration and/or search." The Advisory action also states petitioner's reply "does NOT place the application in condition for allowance.

The application became abandoned as of February 2, 2006, for failure to file a proper reply to the final Office action.

The instant petition was filed March 2, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by the required reply.

Petitioner has not submitted a proper reply to the final Office action mailed August 1, 2005. A proper reply to a final rejection consists only of:

- (1) an amendment which *prima facie* placed the case in condition for allowance,
- (2) a Notice of Appeal and the required fee,
- (3) a RCE, or
- (4) a continuation application.

As of this date, none of the above acceptable forms of reply have been filed. The petition indicates the amendment filed January 31, 2006, is the reply. However, the examiner previously determined the proposed amendment raised new issues requiring further search or consideration.

Since the amendment does not prima facie place the application in condition for allowance, it is an improper reply to the final Office action mailed on August 1, 2005.

A proper reply must be filed in order for the petition to be granted.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

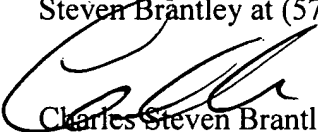
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
 Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
 Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.


Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions